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November 5, 2013

VIA ECF

Honorable Katharine S. Hayden, U.S.D.J.
United States District Court
District of New Jersey
Frank R. Lautenberg U.S. P.O. Cthse. Bldg.
Room 311
P.O. Box 999
Newark, New Jersey 07101-0999

Re: Landsman & Funk, P.C. v. Skinder-Strauss Associates
Civil Action No.: 08-03610 (KSH) (CLW)

Dear Judge Hayden:

This firm represents Defendant Skinder-Strauss Associates ("Defendant") in the above-referenced matter. We submit this letter, along with a proposed Stipulation and Consent Order, respectfully requesting that the Court set November 19, 2013 as the deadline for Defendant's Reply on its pending motion to dismiss Plaintiff's complaint pursuant to Fed. R. Civ. P. 12(b)(1) (ECF No. 105).

By way of brief background, the Court permitted Plaintiff an additional two (2) weeks to file its Opposition to Defendant's motion to dismiss. See ECF No. 108 (Text Order adjourning deadline for Plaintiff's Opposition from October 21st to November 4th). The parties did not then agree to, and the Court has not specifically so-ordered, any deadline for Defendant's Reply papers (or a return date). But assuming that Plaintiff's original extension resulted in Defendant's motion being deferred one motion cycle, Defendant's Reply brief would be due Tuesday, November 12, 2013. Accordingly, Defendant's request, by way of this application, would constitute a one (1) week adjournment of the deadline for its Reply papers to and including Tuesday, November 19, 2013. We have conferred with Plaintiff's counsel, Aytan Y. Bellin, Esq., who graciously consented to this application. Accordingly, the parties respectfully request that the Court "so-order" the enclosed proposed Stipulation and Consent Order.

We thank Your Honor for your courtesies in this regard. Please do not hesitate to contact me should Your Honor have any questions.

Respectfully submitted,

s/ Michael R. McDonald

Michael R. McDonald

Enclosure

cc: Honorable Cathy L. Waldor, U.S.M.J. (w/ enclosure, *via* regular mail)
Aytan Y. Bellin, Esq. (w/ enclosure, *via* electronic mail)

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*Attorneys for Defendant
Skinder-Strauss Associates*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

LANDSMAN & FUNK, P.C., on behalf of
itself and all others similarly situated,

Plaintiff,

vs.

SKINDER-STRAUSS ASSOCIATES,

Defendant.

Civil Action No. 08-CV-03610 (KSH) (CLW)

Document electronically filed.

**STIPULATION AND CONSENT ORDER
CONCERNING BRIEFING SCHEDULE
ON MOTION TO DISMISS**

THIS MATTER having been brought before the Court by way of the informal application of Defendant Skinder-Strauss Associates ("Skinder-Strauss"), by and through its counsel, Gibbons P.C., with the consent of Plaintiff Landsman & Funk, P.C. ("Plaintiff"), by and through its counsel, Bellin & Associates LLC, for the purpose of extending the deadline by which Skinder-Strauss shall file its Reply on its Motion to Dismiss Plaintiff's First Amended Complaint in its Entirety Pursuant to Fed. R. Civ. P. 12(b)(1) (ECF No. 105); and for good cause having been shown;

IT IS, on this 7th day of November 2013, ORDERED that Skinder-Strauss shall file and serve its Reply brief on or before November 19, 2013.

Dated: November 5, 2013

BELLIN & ASSOCIATES LLC

By: s/ Aytan Y. Bellin

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*Attorneys for Defendant
Skinder-Strauss Associates*

SO ORDERED:


Honorable Katharine S. Hayden, U.S.M.J.